



General Assembly

February Session, 2002

Amendment

LCO No. 4602

HB0558104602HD0

Offered by:

REP. ESPOSITO, 116th Dist.

To: Subst. House Bill No. 5581

File No. 564

Cal. No. 390

"AN ACT CONCERNING CONSOLIDATION OF FIRE DISTRICTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) Notwithstanding the
4 provisions of the general statutes or any public or special act, charter
5 or home rule ordinance, any municipality with a population of more
6 than fifty thousand and a geographic area of twelve square miles or
7 less, in which are located three districts organized under sections 7-324
8 to 7-329, inclusive, of the general statutes, or any special act and
9 providing fire fighting services, any one or more of which districts has
10 an unfunded past benefit obligation in excess of its most recently
11 adopted annual budget, may assume the powers and responsibilities
12 of any such fire district if consolidation of the fire district is approved
13 by a majority of the electors voting at a referendum in the district. The
14 legislative body of the municipality shall provide by resolution for a
15 referendum in each district to determine if such district shall be
16 consolidated pursuant to this section. Such referendum shall be

17 conducted in accordance with sections 9-369 to 9-371a, inclusive, of the
18 general statutes, as amended. The referendum in each district shall be
19 conducted on the same date not more than ninety days after the
20 effective date of this act. If consolidation is approved by the
21 referendum in a district, such district shall terminate and consolidate
22 with the municipality on the ninetieth day following the approving
23 referendum, except if the resolution establishes an earlier date for
24 termination and consolidation, on such earlier date. As used in this
25 section, "unfunded past benefit obligation" means the unfunded
26 actuarial accrued liability of the pension plan determined in a method
27 and using assumptions meeting the parameters established by
28 generally accepted accounting principles.

29 Sec. 2. (NEW) (*Effective from passage*) If the referendum conducted in
30 a district under section 1 of this act approves consolidation, the
31 municipality shall assume and exercise through a municipal fire
32 department the fire and public safety powers and responsibilities
33 previously exercised by the district on the date established for
34 consolidation pursuant to section 1 of this act.

35 Sec. 3. (NEW) (*Effective from passage*) If the referendum conducted in
36 a district under section 1 of this act approves consolidation, on the date
37 established for consolidation pursuant to section 1 of this act, (1) all
38 property, both real and personal, and all rights of action and other
39 rights with all securities and liens belonging to or vested in the district,
40 shall be transferred to the municipality without further action or need
41 for recording; (2) the municipality shall be liable for and shall assume
42 all debts and obligations of the district; (3) all rights and responsibility
43 of a contract entered into by the district, including collective
44 bargaining units, shall be the rights and responsibility of the
45 municipality; (4) all federal, state, regional and municipal officials,
46 officers and other persons or corporations that are required by law to
47 pay money to the district or their treasurers or other officers, shall pay
48 such money to the treasurer of the municipality; (5) the municipal tax
49 collector shall possess and may exercise the rights and duties
50 possessed by district tax collectors, including with respect to the

51 collection of taxes due or coming due in any district, the lien or
52 foreclosure of property therefor and the institution or continuation of
53 any such collection or foreclosure action instituted, or lien filed or
54 capable of filing by a district; (6) the municipal tax collector shall
55 possess and may exercise all rights and powers as municipal tax
56 collector to preserve, collect or foreclose any tax, fee, interest, or cost
57 owed at any time to a district, or owed to the municipality as a result
58 of termination of such district, or lien arising therefrom; (7) the
59 municipal treasurer shall possess and may exercise the rights and
60 duties possessed by the district treasurer, including with respect to the
61 collection of debts and revenue and other responsibilities exercised by
62 such office; and (8) any security, lien, debt or obligation accruing or
63 owed to a district, or accruing or arising after consolidation with the
64 municipality, or which would have accrued or arisen but for
65 consolidation, shall be owed to and collected by the municipality.
66 Notwithstanding the provisions of this act, the municipality (A) shall
67 recognize as the exclusive bargaining representative any incumbent
68 labor organization previously designated as the exclusive bargaining
69 representative of the employees pursuant to sections 7-467 to 7-477,
70 inclusive, of the general statutes, and (B) shall assume all financial
71 obligations incurred by a district with respect to any employment or
72 pension right or contract, including any financial obligation arising in
73 connection with a bargaining unit, except those arising from
74 promotions made after January 1, 2002, unless (i) such promotion fills
75 a position existing as of January 1, 2002, that was vacant at the time it
76 was filled by the promotion, and (ii) the municipality negotiates with
77 such incumbent labor organization in accordance with the provisions
78 of said sections 7-467 to 7-477, inclusive.

79 Sec. 4. (NEW) (*Effective from passage*) If the referendum conducted in
80 a district under section 1 of this act approves consolidation, the public
81 officials, employees and other agents of any district consolidated
82 pursuant to this act shall cooperate and assist the municipality and the
83 board of fire commissioners created pursuant to section 5 of this act or
84 any other municipal fire fighting administrative body in the

85 assumption of responsibilities and obligations of the districts by the
86 municipality. No present or former employee, official or other agent of
87 any district shall remove any document, record or property of the
88 district, or which belonged to the district prior to its termination, from
89 district offices or files, or secrete or fail to disclose the location of such
90 records to municipal officials. District officials and employees shall
91 identify and make available to municipal officials every law,
92 ordinance, resolution, policy or other operating practice or policy
93 adopted by the district, its officials or employees with respect to its
94 operations, and all contracts, invoices, checkbooks, bank accounts,
95 receipts, audits, warranties and any other record or document with
96 regard to the operation and maintenance of the district, its finances,
97 facilities and equipment.

98 Sec. 5. (NEW) (*Effective from passage*) If a referendum conducted in a
99 district under section 1 of this act approves consolidation:

100 (1) In order to provide for a continuation of fire protection and
101 safety services, the municipality shall provide for management of fire
102 protection for its inhabitants and within its geographic area by a board
103 of fire commissioners. The board shall consist of five members. The
104 members shall be comprised of the chairperson or acting chairperson
105 of each fire district consolidated pursuant to this act and the balance
106 appointed by the chief elected official of the municipality. Such
107 members shall be appointed and take office within two weeks of
108 approval of the consolidation resolution. The board shall have all
109 powers conferred on such boards pursuant to section 7-301 of the
110 general statutes. The members of the boards shall initially serve for a
111 two-year term at the expiration of which the members shall be
112 appointed by the chief elected official of the municipality with the
113 approval of the elected legislative body as follows: One for a term of
114 one year, one for a term of two years, one for a term of three years, one
115 for a term of four years and one for a term of five years. Thereafter, the
116 members shall be appointed for five-year terms. The board shall
117 provide for the integration of the fire district as one municipal fire
118 department.

119 (2) After the effective date of termination of the district, a
120 municipality may initiate and exercise any powers and otherwise
121 provide for the fire fighting management as authorized under the
122 general statutes and as provided by law, notwithstanding that the
123 exercise of such powers is inconsistent with the provision of this
124 section, provided no such exercise shall affect the termination of the
125 districts, or the assumption of district rights and obligations by the
126 municipality.

127 Sec. 6. (NEW) (*Effective from passage*) If the referendum conducted in
128 a district under section 1 of this act approves consolidation, the chief
129 elected official of the municipality shall appoint a chief of the
130 municipal fire department who shall serve in accordance with law.

131 Sec. 7. (NEW) (*Effective from passage*) Any consolidation and
132 termination of fire districts under the provisions of this act shall not
133 affect the existence of any volunteer fire departments, companies or
134 volunteers in the municipality which report to the chief of the
135 municipal fire department.

136 Sec. 8. (NEW) (*Effective from passage*) The invalidity of any section or
137 provision of this act shall not affect the continued validity of the
138 remaining provisions."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>